

**MINUTES**  
**UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING**  
**Utah Department of Environmental Quality**  
**168 North 1950 West, Building #2, (Conf. Room 101), SLC, Utah**

**June 8, 2006**

**Board Members Present:** Craig Anderson (Chair), John Newman (Vice-Chair), Michael Brehm, Scott Bruce, Carlton Christensen, David Cunningham, William Doucette, Craig Forster, Dennis Riding, Dianne Nielson (participated telephonically).

**Staff Members Present:** Dennis Downs, Brad Johnson, Raymond Wixom, Don Verbica, Rick Page, Martin Gray, Scott Anderson, Mark Christensen, Ed Costomiris, Boyd Swenson, Dale Marx, Cheryl Prawl.

**Others Present:** Kris Snow, Gene Curtis, Clint Warby, Troy Johnston, Bryan Slade, Chris Lilley, Scott Reed, Wayne Christensen, Sheila Vance, Jeff Carter, Jason Reed, John Bate.

**I. The meeting was called to order at 1:05 p.m.**

**II. Approval of minutes for the May 11, 2006, Board meeting (Board Action Item)**  
**It was motioned by John Newman and seconded by Craig Forster and unanimously carried that the May 11, 2006, Board meeting minutes be approved.**

**III. Underground Storage Tanks Update**

Brad Johnson explained to the Board members that in last month's meeting, the Board approved proposed rule changes to R311, UST Cleanup Standards. During that discussion, a question arose regarding whether the Division of Environmental Response and Remediation (DERR) would contact those individuals who made comments on the proposed rule changes to discuss the staff's responses to their comments. The question was answered in the affirmative and those letters have since been sent out. No further comments have been received by the DERR.

Also discussed in last month's Board meeting was the Petroleum Storage Tank (PST) Fund and the risk factors the DERR is looking at in trying to incorporate risk into how the PST Fund fees are assessed. Seven factors were taken into consideration as the DERR put this information together. They included:

- Tank age;
- Material of construction of the tank;
- Material of construction of the piping;
- Containment at the dispenser;
- Containment at the submersible turbine pump sump;
- Release prevention modifications on the tank; and,
- Release prevention modifications on the piping.

Mr. Johnson also explained that in recent discussions with Brian Allred, the Legislative Analyst for the Natural Resources/Agriculture/Environment Interim Committee, it is anticipated that the PST Fund issue will be brought before the Interim Committee in their October meeting. The DERR is hoping to receive further policy direction from the Legislators. However, in the interim before that meeting, the DERR will continue to meet with the Utah Underground Storage Tank Advisory Task Force to discuss this issue.

Dennis Riding asked if the Legislators were well enough informed regarding the PST Fund risk issue. Mr. Johnson explained that the risk issue would be new to the Legislators, but that briefing material would be prepared for them to review before the October meeting.

Mr. Johnson then continued on by stating that the DERR is currently putting together proposed rules to frame what facility owners/operators who have tanks that are split between the PST Fund and other financial assurance mechanisms would need to do in order to get back onto the fund. Draft rules were sent to interested stakeholders to solicit feedback prior to formal rule making. It is anticipated that these proposed rules will come before the Board next month for approval to begin the formal public comment period. Essentially, these rules will state that if the last two compliance inspections indicate that the facility is in significant operational compliance, that their leak detection methods have been functioning properly within the last year, and that there is no reason to believe that a leak has occurred, then the facility owner/operator would be eligible to get back onto the PST Fund. However, there would also include a provision that as of January 1, 2008, any tank that is over ten years old would also need to collect samples to demonstrate that a leak has not occurred.

#### **IV. Commercial/Federal Facilities**

##### **A. Proposed Stipulation and Consent Order between the Board and Tooele Army Depot (Board Action Item)**

Don Verbica reviewed the proposed Stipulation and Consent Order (SCO) No. 0602009 between the Board and Tooele Army Depot. This SCO resolves the Notice of Violation No. 0511038 issued to Tooele Army Depot on December 8, 2005. Violations included failing to record the required operating data while burning hazardous wastes, failing to train personnel using the computer based system and failing to use the computer database for recording training results.

All violations have been resolved. The SCO includes a penalty of \$6,135.00.

A 30-day public comment period on the proposed SCO was held from April 13, 2006 to May 12, 2006. No comments were received during the public comment period. The Division recommends that the Board approve the proposed SCO.

Dennis Downs clarified that the Tooele Army Depot facility is not the same facility as the Deseret Chemical Depot. This facility is located further north, toward the city of Tooele and stores and handles conventional munitions, not chemical weapons.

David Cunningham stated that the violations dealt basically with record keeping issues and didn't involve operational issues. Mr. Verbica concurred.

**It was motioned by William Doucette and seconded by David Cunningham and unanimously carried to approve proposed Stipulation and Consent Order No. 0602009 between the Board and Tooele Army Depot.**

##### **B. Proposed Stipulation and Consent Order between the Board and Safety Kleen Systems, Inc. (Board Action Item)**

Don Verbica reviewed proposed Stipulation and Consent Order (SCO) No. 0602007 between the Board and Safety-Kleen Systems, Inc. This SCO is to resolve Notice of Violation (NOV) No. 0511037 issued to Safety Kleen Systems, Inc. on November 29, 2005. Safety-Kleen was cited for failing to visually inspect certain types of waste when picking up the waste from the generator.

The violations have been resolved. The draft SCO includes a penalty of \$9,730.00.

A 30-day public comment period on the proposed SCO was held from April 20, 2006 to May 22, 2006. No comments were received during the public comment period. The Division recommends that the Board approve the proposed SCO.

**It was motioned by William Doucette and seconded by David Cunningham and unanimously carried to approve proposed Stipulation and Consent Order No. 0602007 between the Board and Safety-Kleen Systems, Inc.**

**C. Proposed Stipulation and Consent Order between the Board and Northeast Casualty Real Property, LLC. (Board Action Item)**

Don Verbica reviewed proposed Stipulation and Consent Order (SCO) No. 0603014 between the Board and Northeast Casualty Real Property's, Clive Facility. This SCO is to resolve the Notice of Violation (NOV) No. 0601005 issued to Northeast Casualty Real Property's Clive Facility on February 15, 2006.

Violations included failure to transfer waste from a container in poor condition (leaky container) to a container in good condition; failure to maintain a truck door in Unit 106 in good operating condition; and failure to maintain a sump in good operating condition.

The violations have been resolved. The draft SCO includes a penalty of \$11,716.00.

A 30-day public comment period on the proposed SCO was held from May 9, 2006 to June 8, 2006 (current date) at 5:00 p.m. The Division recommends that the Board approve the SCO pending no adverse comments being received by the end of the business day (5:00 p.m.) today June 8, 2006 (current date).

**It was motioned by Michael Brehm and seconded by William Doucette and unanimously carried to approve proposed Stipulation and Consent Order No. 0603014 between the Board and Northeast Casualty Real Property, LLC. , provided no adverse comments are received by the end of the business day (5:00 p.m.) today June 8, 2006.**

**D. Proposed Stipulation and Consent Order between the Board and Clean Harbors Grassy Mountain Facility, LLC. (Informational Item Only)**

Don Verbica informed the Board of proposed Stipulation and Consent Order (SCO) No. 0603013 between the Board and Clean Harbors Grassy Mountain Facility, LLC. This SCO is to resolve the Notice of Violation No. 0601004 issued to Clean Harbors Grassy Mountain Facility, LLC. on February 9, 2006. Violations included storage of containers longer than one year and failing to provide the Executive Secretary notification of non-compliance within seven days after the non-compliance was documented.

The violations have been resolved. The draft SCO includes a penalty of \$4,035.00

A public comment period began on May 23, 2006 and will conclude on June 22, 2006. A recommendation to the Board will be provided during the July Board meeting.

David Cunningham asked about the content of the containers. Ed Costomiris stated that the containers held hazardous waste. Dennis Riding asked how long the containers were stored over one year. Mr. Costomiris stated the violation involved three containers that were stored for a total of 27 days over the one-year timeframe. Craig Forster stated that the resolution was that containers did not remain in storage for more than 27 days and they all have been dealt with. Mr. Costomiris stated that the problem was that there were three different waste streams that had been stabilized by Clean Harbors Grassy Mountain Facility, LLC. and they had to be retreated, but were limited to the one-year timeframe. Clean Harbors Grassy Mountain, LLC has retreated them a number of times and could not get them to pass the land disposal restriction requirements by the year anniversary of arrival on the site. All the containers have been brought into compliance. Michael Brehm asked about the credit given and asked that Mr. Costomiris explain what the credit was based on and what is the typical range of latitude the State has on giving credits. Mr. Verbica stated that "good faith" is when a company self-reports a violation. Average credit given ranges from 10% to 35% depending on the facility and the specific issue. Normally, 10%-20% credit is given.

## **E. Commercial/Federal Facilities Overview Presentation**

The Division's Project Managers for EnergySolutions, Clean Harbors Grassy Mountain Facility, and Clean Harbors Aragonite Facility gave power point presentation on each of the facilities they regulate. (A copy of each of the presentations is available with the meeting minutes.)

Mark Christensen provided information regarding the Division's oversight of the EnergySolutions facility, specifically, the mixed waste operations at EnergySolutions.

Mr. Christensen stated that EnergySolutions, formerly known as Envirocare, is located approximately eighty miles west of Salt Lake City in the west desert on a one-square mile area of land. EnergySolutions is a commercial treatment, storage and disposal facility. EnergySolutions received their first license to dispose of low level radioactive waste in 1988 and their full scale mixed waste treatment operations was permitted in 1995. EnergySolutions currently accepts the following waste streams: radioactive/mixed waste (Mixed waste is waste that contains a hazardous waste component and a radioactive material component), contaminated soils, sludge, debris, glass, papers, metals, plastics, resins, PPE, and piping.

Dennis Downs stated that this facility is a low-level radioactive waste facility. The Division of Radiation Control, within the Department of Environmental Quality, has primary regulatory jurisdiction over the entire facility and regulates the radioactive portion of waste received at EnergySolutions. The Division of Solid and Hazardous Waste regulates the hazardous waste portion only.

Mr. Christensen stated the treatment technologies and processes include solidification/stabilization in tanks, low-temp vacuum thermal desorption, and macroencapsulation. The elements of the Division's oversight program include permit development/modification, inspections, inspection reports, construction oversight, split sample collection and analysis and enforcement. The types of inspections include comprehensive groundwater monitoring evaluations, operation and maintenance inspections, compliance sampling inspections, permit-required construction certification inspections, CERCLA off-site rule inspections and continuous oversight inspections. Information regarding what the Division's inspectors observe, review or evaluate was also presented. The compliance process was also reviewed.

Ed Costomiris provided information regarding the Division's oversight of the Clean Harbors Grassy Mountain Facility.

The types of waste received at the Clean Harbors Grassy Mountain facility include non-hazardous waste, hazardous waste (RCRA), PCB waste (TSCA), and, mixtures of RCRA and TSCA waste. Waste received at the facility can go directly to the landfill, to treatment (bulk solids); to the container management building or to the stabilization tanks for treatment. The Division's oversight includes hazardous waste manifest review, weight verification, waste acceptability at facility, sampling procedures, and analytical data review. The Waste Analysis Plan Checklist includes waste characterization, analytical parameters, test methods, waste sampling, pre-treatment procedures, treatment processes, record keeping for waste codes, analysis of treated waste; and disposal of treated wastes. The Security and Inspections Checklist includes fences, signs and facility lighting. The Inspection Plan Checklist includes the purpose, scope, inspection documentation, procedures, and inspection schedule.

Don Verbica stated the landfill cells will be monitored at least another 30 years. The cell life varies depending on the volume of waste being received. Once a cell is closed, it is subject to 30 years of post-closure care. To date, two RCRA landfill cells have been closed, and two PCB landfill cells have also been closed, three RCRA landfill cells are open and two PCB landfill cells remain open.

Rick Page provided information regarding the Division's oversight of the Clean Harbors Aragonite Facility.

Mr. Page stated that the Clean Harbors, Aragonite Facility is a commercial hazardous waste incinerator located in a remote area in Tooele County near the Cedar Mountains, approximately 65 miles west of SLC. The facility consists of a 140 MM BTU slagging rotary kiln incinerator with a vertical afterburner. It processes around 300,000 to 400,000 pounds per day. The incinerator has an air pollution control system to treat the exhaust gasses

prior to discharging from the stack. It includes a spray dryer, carbon injection system, a baghouse, saturator, and a 2-stage wet scrubber.

The facility receive various types of waste including bulk liquids and sludges, bulk solids such as contaminated dirt and debris and wastes of different types in various containers. The facility accepts compressed gas cylinders of various sizes and configurations. It also accepts PCBs, medical waste, and drug wastes regulated by the DEA. The containers vary in size, shape and material of construction depending on the type of waste they hold. Prior to processing, the bulk liquid wastes are stored in one of sixteen 30,000 gallon steel storage and blend tanks. Bulk solids are stored in three tanks with a combined capacity of about 1100 cubic yards. They also have two sludge tanks with a capacity of about 30,000 gallons. Aragonite also acts as a transportation hub for Clean Harbors.

A lot of the waste received at the facility is staged at Aragonite and then re-shipped to other Clean Harbors facilities. After arrival at the facility, the wastes are sampled, and analyzed in an on-site lab to determine conformance with the manifest and profile, and to determine proper management procedures at the facility. The Division oversight includes both on-site and off-site inspections. Division personnel have remote access to much of Aragonite's operational and tracking data through computer links to the Division's office in Salt Lake. Through the WinWeb system, Division personnel can review things such as manifest information, and laboratory analyses. The Division's inspectors usually do on-site inspections about once per week. During these inspections, Division inspectors inspect site conditions, and paperwork that is not available in our offices, such as training records and inspection logs. Division inspectors also inspect containers and storage areas where incineration residues are held prior to shipment off-site. Division inspectors split samples of these residues and compare analyses and ensure that the residues meet treatment standards. Division inspectors also oversee trial burns, performance tests, and other stack tests. Also, on occasion, inspections of the facility are done at night. The Division of Air Quality, within the Department of Environmental Quality, assists in regulating this facility.

## **V. Chemical Demilitarization**

### **A. TOCDF Update**

Marty Gray stated that the Army and its contractor have begun their mustard ton container sampling program. The two primary objectives are to determine the amount of mercury contamination in the containers and also how thick the heel is. (The heel is the solid portion in the bottom of the container.) It is anticipated that this will be an on-going program as there are approximately 6,000 ton containers that will need to be sampled.

A meeting was held last week in which CAMDS presented to the Division their corrective action outline for the facility and the operational improvements that have been implemented. Approvals from the Army and the other over-sight teams have been received and CAMDS is now ready to begin closure operations. CAMDS will also be bringing the furnace back on-line again.

On May 31, 2006 a hearing was held for the mustard processing at TOCDF. No comments were received at the hearing. The comment period ends June 15, 2006. If no comments are received, it is anticipated that the modification will be completed.

### **B. Dugway Corrective Action/Closure Status (Informational Item Only)**

Dave Larson, Division Project Manager for Dugway, utilized a power point presentation for the Dugway Corrective Action/Closure Status. (A copy of the presentation is available with the meeting minutes.) Mr. Scott Reed, U.S. Army, lead for the Dugway Proving Ground facility was also present at the meeting.

Dugway is a large facility with approximately 30 miles between corrective action sites. Mr. Reed stated that Dugway is the third largest restoration program for the U.S. Army. The restoration has been going on since about 1990. Most of the sites are located in Government Creek Basin. These sites include landfills, tanks, drains, open burning/open detonation areas, demilitarization areas, and a lot of sites that are common to any big industrial complex. They also include, specific to Dugway site, chemical and biological agent related test sites. One site

includes a buried B29 Aircraft that was used for some testing and at another site there exists a large number of pits that were used to dispose of approximately 30,000 M55 rockets.

Dugway has had some significant historical waste cleanups. Contaminants include acids, solvents, PCBs, and Dugway specific items like decontamination solutions and chemical agents. Most of the highly contaminated sites are related to the agent sites where they used decontaminants like PCE and TCE.

Dugways Correction Action Plan (CAP) includes 43 Hazardous Waste Management Units (HWMUs) and about 150 Solid Waste Management Unit (SWMUs). HWMUs are sites used for treatment, storage or disposal of hazardous waste after 1980 and must be closed according to R315-7-14, R315-101 and a consent order issued in 1990. SWMUs are abandoned sites used for waste management before 1980. SWMUs are regulated under R315-101 and a permit was issued in 1995.

Closure of all but five of the 43 HWMUs is now complete. It is anticipated that all of the HWMUs will be closed by December 2007. Twelve HWMUs are close to residential standards and three HWMUs are close to industrial standards. Twenty-eight HWMUs need corrective action, seven require landfill covers (includes four sites to be completed 06-07), twenty-one require removal actions (includes one site to be closed in 06-07), and five of the 43 HWMUs have mappable/significant groundwater contamination and need long-term monitoring.

The SWMU Regulatory History and Status information includes the following: The CAP is complete for about 85 of the 150 SWMUs. It is anticipated that all of the SWMUs will be closed by December 2010. Dugway has a goal of having a remedy in-place for all the highest priority sites (worst contamination) by December 2007. About 80 SWMUs qualify for residential use (40 of these sites included a removal action), about five SWMUs qualify for industrial use, the RCRA Facility Investigation (RFI) is completed for 30 SWMUs that need corrective action, 21 require Landfill covers, nine require removal actions, the RFI is not complete for about 35 SWMUs, and the process is just starting for about ten SWMUs with possible biological agent contamination.

The Army has adopted Fixed Price Performance Based Contracts (PBC). This is a fixed price estimate. Under PBC, the contractor does not get paid until the cleanup is complete. The contractor makes money if the action is completed within or below the “fixed price” estimate. Competitive contractors include regulators in the up-front estimate process. Use of PBCs is expected to accelerate the overall cleanup process. Dugway currently has about 20 sites under a PBC and wants to get another five sites under contract this year. Dugway plans to place a cover on 15 landfills this summer under the current PBC.

The Army has funded a contractor to support the Division. Groundwater Management Area (GMA) Plans include about 30 mappable groundwater plumes with most located in Government Creek Basin. Most of the contamination is less than 1 mg/l with the highest concentration contamination about 10 mg/l TCE. To address the large number of sites with groundwater contamination, Dugway has adopted a regional approach to groundwater management. All HWMUs and SWMUs within certain areas are grouped into one of four groundwater management areas. Each plan addresses all sites in that GMA. The regional approach is based on an extensive hydrogeology investigation.

The Groundwater Management Objectives include the following: Protect the potable groundwater in the deeper aquifer and unconfined aquifer; monitor in source areas and use vertical profiles; remove on-going sources of contamination and avoid drilling through the confining unit. Tracking the horizontal contaminant migration is a lower priority because gradients are low and TDS is high in the shallow zone. Potable groundwater in the deeper aquifer is protected by the confining unit.

The post-closure and long-term management includes the HWMUs and SWMUs closed to industrial standards, sites with waste in place (landfills) and sites with groundwater contamination need long-term management; HWMUs and SWMUs needing long-term management are regulated under a post-closure permit issued 9/05. The post-closure permit requires inspections, monitoring and maintenance. GMA plans are included in the post-closure permit.

In summary, 38 of 43 HWMUs have been closed. Three of the remaining five HWMUs are to be closed this year and the other two will be closed in 2007. This will complete the RCRA closure program for HWMUs. Corrective Action for about 20 SWMUs will be completed this year under PBC. A remedy will be in place for all high priority SWMUs in 2006-2007. The CAP will be complete for all SWMUs by 2010.

## **VI. Requirements of the Utah Open and Public Meetings Act (Raymond Wixom)**

Raymond Wixom stated that two requirements that the Utah State Legislature enacted last year deal with informing the Board of the requirements of the Utah Open and Public Meeting Act. One provision states that the Board's Chairman is responsible to ensure that the Open and Public Meetings Act training is provided to the members of a public body annually. The second provision requires the Office of the Attorney General to provide public bodies with at least yearly notice of any material changes to the requirements for the conduct of meetings under the act. (The Board members received, in their Board packet, a handout entitled "Statewide Impact Changes – 2006 General Session Title 52, Chapter 4, Open and Public Meetings Act Summary of 14 Key Changes" and a general summary of the changes entitled the "Utah Open and Public Meetings Act (2006)" that Mr. Wixom prepared.) Mr. Wixom reviewed the above documents with the Board members.

## **VII. Other Business**

### **A. Update on Board Field Trips**

It is anticipated that in September a tour of the Davis County Solid Waste Management Site will be conducted in the morning and the Board meeting will be held at 1:00 p.m. at a location in or near their offices.

It is anticipated that in October a tour of the Geneva Steel site will be conducted in the morning and the Board meeting will be held at 1:00 p.m. at a location in or near their offices.

(Further discussions regarding the logistics of these two tours will take place in upcoming Board meetings.)

**B.** The next Board meeting will be held on (Thursday) July 13, 2006 at 1:00 p.m. in the DEQ Building #2, Conference Room 101.

**C.** No Board meeting will be held in August.

**D.** No miscellaneous items were presented.

## **VIII. Adjourn**

**The meeting adjourned at 3:02 p.m.**